

## **DETAILED ACTION**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 43 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 43, claims the non-statutory subject matter of a *computer program product*. Data structures not claimed as embodied in a computer readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held nonstatutory). Therefore, since the claimed program *product* is not tangibly embodied in a physical medium and encoded on a computer readable medium then the Applicants has not complied with 35 U.S.C 101.

Claim 44 shall be interpreted as a non transitory storage medium for Examination purposes.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-18 and 20-39 and 41-44** are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson WO 01/08430.

Consider claims 1 and 22, Wilson teaches a telephone network (e.g., figure 1), a telephone terminal operable to enable a user to specify dialing information in a form that comprises text (e.g., see page 2, lines 28-31), means to process the dialing information to identify a associated with the text(e.g., see page 2 lines 22-26), the network being adapted to receive an indialed call from the terminal, to set up the connection associated with the text and to connect the indialled call with the connection associated with the text(i.e., optional call completion could be achieved either by the network ringing back the caller, or by the handset modification which would allow an audio call to be set up in parallel with the requesting SMS message. some handsets allow SMS messages to be composed, sent, received and read during a voice call.)(e.g., see at least page 4 lines 5-7).

Consider claims 2 and 23 and as applied to claims 1 and 22, Wilson teaches in which the said means to process the dialing information to identify a connection associated with the text is within the network (e.g., text processing system noted on page 4 line 26).

Consider claims 3 and 24 and as applied to claims 2 and 23, Wilson teaches in which the terminal is operable to transmit text dialing information to the network (e.g., see page 2 lines 22-32).

Consider claims 4 and 25 and as applied to claims 1 and 22, Wilson teaches in which the means to process the dialing information to identify a connection associated with the text is partly within the network and partly within the terminal (i.e., a MS and text processing system shown in figure 1 ).

Consider claims 5 and 26 and as applied to claims 4 and 25, Wilson teaches in which the terminal is operable to transmit partly processed text dialing information to the network (i.e.,

**party processed by the mobile and partly processed by the network, e.g., see at least page 4 lines 5-7).**

Consider **claims 6 and 27 and as applied to claims 1 and 22**, Wilson teaches in which transmission of text dialing information occurs before the dialed call, or at least partly in parallel with the dialed call(i.e., optional call completion could be achieved either by the network ringing back the caller, or by the handset modification which would allow an audio call to be set up in parallel with the requesting SMS message. some handsets allow SMS messages to be composed, sent, received and read during a voice call.)(e.g., see at least page 4 lines 5-7).

Consider **claims 7 and 28 and as applied to claims 1 and 22**, Wilson teaches in which the terminal is a mobile terminal (e.g., see mobile terminal 16).

Consider **claims 8 and 29 and as applied to claims 1 and 22**, Wilson teaches in which the text dialling information is addressed to a service number (e.g., for correlation purpose a numeric destinations page 7).

Consider **claims 9 and 30 and as applied to claims 8 and 29**, Wilson teaches in which the dialed call is addressed to a service number (e.g., for correlation purpose a numeric destinations page 7).

Consider **claims 10 and 31 and as applied to claims 9 and 30**, Wilson teaches in which the text dialling information and the dialed call are addressed to the same service number(e.g., for correlation purpose a numeric destinations page 7 alternating methods).

Consider **claims 11 and 32 and as applied to claims 8 and 29**, Wilson teaches-in which the service number is a short code or international number(i.e., a numeric destination-page 7

line 7).

Consider **claims 12 and 33 and as applied to claims 1 and 22**, Wilson teaches in which the text dialling information is transmitted as a text message, such as an SMS, EMS or GPRS text message(e.g., SMS- page 2 line 28).

Consider **claims 13 and 34 and as applied to claims 1 and 22**, Wilson teaches in which an acknowledgement is returned to the telephone terminal indicating that the network has processed the text dialling information(e.g., a reply to request - page 7 line 19).

Consider **claims 14 and 35 and as applied to claims 1 and 22**, Wilson teaches in which the text dialling information is processed at least partly in parallel with the indialled call(i.e., optional call completion could be achieved either by the network ringing back the caller, or by the handset modification which would allow an audio call to be set up in parallel with the requesting SMS message. some handsets allow SMS messages to be composed, sent, received and read during a voice call.)(e.g., see at least page 4 lines 5-7).

Consider **claims 15 and 36 and as applied to claims 1 and 22**, Wilson teaches in which the means to process the dialling information to identify a connection associated with the text is operable to process the text intelligently using a system of exceptions, classes and rules to derive an alphanumeric string from the text (e.g., word finder – or subscription service page 6 line 28-page 7 line 32).

Consider **claims 16 and 37 and as applied to claims 15 and 36**, Wilson teaches in which the means to process the dialling information is further operable to determine a desired connection based on the derived alphanumeric string(e.g., a particular database – or subscription service page 6 line 28-page 7 line 32).

Consider **claims 17 and 38 and as applied to claims 1 and 22**, Wilson teaches in which the means to process the dialling information to identify a connection associated with the text retains memory of the connection and is operable to make a without re-entry of the text(e.g., see **page 5 line 28 and page 7 lines 31-32**).

Consider **claims 18 and 39 and as applied to claims 11 and 37**, Wilson teaches in which the means to process the dialling information to identify a connection associated with the text is operable to translate between text dialling information and connections that are personalized to a particular individual or closed group of individuals(e.g., **subscription type service for company db as noted on page 7**).

Consider **claims 20 and 41 and as applied to claims 11 and 37**, Wilson teaches in which the connection associated with the text is characterised as a telephone number(e.g., **numeric destination – page 7**).

Consider **claims 21 and 42 and as applied to claims 1 and 22**, Wilson teaches in which the connection associated with the text is characterised without reference to a telephone number (e.g., **alphanumerically page 7**).

Consider **claim 43 and as applied to claim 22**, Wilson teaches a computer program for implementing a method (e.g., **the computer programs embodied in the system of figure 1**)

Consider **claim 44 and as applied to claim 43**, Wilson teaches a storage medium storing a computer program (e.g., **the storage mediums embodying the system of figure 1**).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims **19 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson WO 01/08430 in view of Florkey US Patent Pub. No.: 2005/0027830.

Consider **claims 19 and 40 and as applied to claims 1 and 22**, Wilson teaches the claimed invention except the means to process the dialling information to identify a connection associated with the text is operable to make connections to services and to generate service usage statistics regarding the numbers of calls to particular services and the text dialling information used to identify them.

In analogous art, Florkey teaches generate service usage statistics regarding the numbers of calls to particular services and the text dialling information used to identify them(**e.g. see at least paragraph 0019**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wilson to include means to process the dialling information to identify a connection associated with the text is operable to make connections to services and to generate service usage statistics regarding the numbers of calls to particular services and the text dialling information used to identify them for the purpose controlling communication sessions as taught by Florkey.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Shedrick/  
Examiner, Art Unit 2617